

ASSEMBLY BILL

No. 1094

Introduced by Assembly Member Brown

February 22, 2013

An act to amend Section 11451.5 of the Welfare and Institutions Code, relating to CalWORKs.

LEGISLATIVE COUNSEL'S DIGEST

AB 1094, as introduced, Brown. CalWORKs: eligibility.

(1) Existing federal law provides for allocation of federal funds through the federal Temporary Assistance for Needy Families (TANF) block grant program to eligible states. Existing law provides for the California Work Opportunity and Responsibility to Kids (CalWORKs) program under which each county provides cash assistance and other benefits to qualified low-income families. Under existing law, certain amounts are exempt from the calculation of income of the family for purposes of determining eligibility for benefits under the CalWORKs program. Certain exempt amounts are calculated based on the amount of disability-based unearned income and earned income. Under existing law, disability-based unearned income means state disability insurance benefits, private disability insurance benefits, temporary workers' compensation benefits, and social security disability benefits.

This bill would expand the definition of disability-based unearned income to include veteran's disability compensation. To the extent that this bill would expand CalWORKs eligibility, and by increasing county administrative duties, the bill would impose a state-mandated local program.

(2) Existing law continuously appropriates moneys from the General Fund to defray a portion of county costs under the CalWORKs program.

This bill would instead provide that the continuous appropriation would not be made for purposes of implementing the bill.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 11451.5 of the Welfare and Institutions
2 Code, as amended by Section 30 of Chapter 439 of the Statutes of
3 2012, is amended to read:

4 11451.5. (a) The following income shall be exempt from the
5 calculation of the income of the family for purposes of subdivision
6 (a) of Section 11450:

7 (1) If disability-based unearned income does not exceed two
8 hundred twenty-five dollars (\$225), both of the following amounts:

9 (A) All disability-based unearned income, plus any amount of
10 not otherwise exempt earned income equal to the amount of the
11 difference between the amount of disability-based unearned income
12 and two hundred twenty-five dollars (\$225).

13 (B) Fifty percent of all not otherwise exempt earned income in
14 excess of the amount applied to meet the differential applied in
15 subparagraph (A).

16 (2) If disability-based unearned income exceeds two hundred
17 twenty-five dollars (\$225), both of the following amounts:

18 (A) All of the first two hundred twenty-five dollars (\$225) in
19 disability-based unearned income.

20 (B) Fifty percent of all earned income.

21 (b) For purposes of this section:

22 (1) Earned income means gross income received as wages,
23 salary, employer-provided sick leave benefits, commissions, or
24 profits from activities such as a business enterprise or farming in
25 which the recipient is engaged as a self-employed individual or as
26 an employee.

1 (2) Disability-based unearned income means state disability
2 insurance benefits, private disability insurance benefits, temporary
3 workers' compensation benefits,~~and~~ social security disability
4 benefits, *and veteran's disability compensation*.

5 (3) Unearned income means any income not described in
6 paragraph (1) or (2).

7 (c) This section shall become operative on October 1, 2013.

8 SEC. 2. Notwithstanding the rulemaking provisions of the
9 Administrative Procedure Act (Chapter 3.5 (commencing with
10 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
11 Code), the department shall implement the changes made to Section
12 11451.5 of the Welfare and Institutions Code by Section 1 of this
13 act by means of an all-county letter or similar instruction without
14 taking regulatory action. The all-county letter or similar instruction
15 shall be issued on or before January 1, 2014.

16 SEC. 3. No appropriation pursuant to Section 15200 of the
17 Welfare and Institutions Code shall be made for purposes of this
18 act.

19 SEC. 4. If the Commission on State Mandates determines that
20 this act contains costs mandated by the state, reimbursement to
21 local agencies and school districts for those costs shall be made
22 pursuant to Part 7 (commencing with Section 17500) of Division
23 4 of Title 2 of the Government Code.